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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,671	02/25/2004	Nelya Okun	50508-1190	3022
24504	7590	04/05/2006	EXAMINER	
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP 100 GALLERIA PARKWAY, NW STE 1750 ATLANTA, GA 30339-5948			HERTZOG, ARDITH E	
			ART UNIT	PAPER NUMBER
			1754	

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/786,671	Applicant(s) OKUN ET AL.	
	Examiner Ardith E. Hertzog	Art Unit 1754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 25 February 2004.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-58 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☐ Claim(s) _____ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☒ Claim(s) 1-58 are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____. 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: _____.
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DETAILED ACTION

Election/Restriction

1. Restriction to one of the following inventions is required under 35 U.S.C. § 121:

Group I. Claims 1-29, drawn to compositions and methods of removing a contaminant using same, wherein said compositions comprise, at the least:

a metal nitrate selected from d-block metal nitrates and f-block metal nitrates; and

a metal salt having weakly bound counter anions, wherein the metal of the metal salt having weakly bound counter anions is selected from a d-block metal and an f-block metal, classified in classes 424 (compositions) and 588 (methods), subclass various.

Group II. Claims 30-58, drawn to compositions and methods of removing a contaminant using same, wherein said compositions comprise, at the least:

a first polyoxometalate (POM) having a first metal selected from a d-block metal and an f-block metal, wherein the first metal is an open coordinate site of the first POM, and wherein the first metal has a nitrate terminal ligand; and

a second POM having a second metal selected from a d-block metal and an f-block metal, wherein the second metal is an open coordinate site of the second POM, and wherein the second metal has a halide terminal ligand, classified in classes 424 (compositions) and 588 (methods), subclass various.

2. The inventions are distinct, each from the other, because of the following reasons: The inventions of **Group I** and **Group II** are directed to related compositions (products) and methods of use (processes). The related inventions are distinct if the inventions *as claimed* do not overlap in scope (i.e., are mutually exclusive); the inventions as claimed are not obvious variants of one another; and the inventions as claimed are either not capable of use together or can have a materially different design,

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mode of operation, function, or effect. See MPEP § 806.05(j). In the instant case, **Group I** is drawn to the **combination of a metal nitrate** selected from d-block metal nitrates and f-block metal nitrates, **with a metal salt** having weakly bound counter anions, wherein the metal of the metal salt having weakly bound counter anions is selected from a d-block metal and an f-block metal, while **Group II** is drawn to the **combination of a first POM** having a first metal selected from a d-block metal and an f-block metal, wherein the first metal is an open coordinate site of the first POM, and wherein the first metal has a nitrate terminal ligand, **with a second POM** having a second metal selected from a d-block metal and an f-block metal, wherein the second metal is an open coordinate site of the second POM, and wherein the second metal has a halide terminal ligand. **Thus**, the inventions *as claimed* do not overlap in scope (i.e., are mutually exclusive), are not obvious variants of one another, and are not capable of use together (i.e., presumably the artisan would not **simultaneously** use the compositions of both **Group I** and **Group II**, given that each is disclosed as sufficient on its own) and/or can have a materially different design, mode of operation, function, or effect (i.e., presumably the combination of **Group I** has a materially different design, mode of operation, function and/or effect from the combination of **Group II** (and vice versa), given that **each** combination comprises **different** types of compounds).

3. Because these inventions are independent or distinct for the reasons given above and the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

4. Applicant is advised that the reply to this requirement to be complete must

include (i) an election of a species or invention to be examined even though the requirement be traversed (see 37 CFR § 1.143) and (ii) identification of the claims encompassing the elected invention.

5. The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

6. Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. § 103(a) of the other invention.

7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR § 1.48(b) and by the fee required under 37 CFR § 1.17(i).

Conclusion


8. Any inquiry concerning this communication should be directed to Ardith E.

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Hertzog at 571-272-1347. The examiner can normally be reached on Monday through Friday (from about 7:30 a.m. - 3:30 p.m.).

9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley S. Silverman, can be reached at 571-272-1358. The central fax number for all communications is now 571-273-8300.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. For any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


AEN
March 22, 2006


STANLEY S. SILVERMAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700